

JUDGE'S COPY (25)

In the United States District Court
For the middle District of Pennsylvania

Douglas Henry Thornton
Plaintiff

Vs.

Associate Warden, Lindsey et al.
Defendants.

Civil No. 1:CV-00-1590

Judge, Kane.

FILED
HARRISBURG, PA

JUN 28 2001

MARY E. DIANDREA, CLERK
Deputy Clerk

Motion For reconsideration of
Court order to dismiss this action

Comes now the said Plaintiff, Douglas H. Thornton, and motion this United States District Court for the middle District of Pennsylvania. For leave to file this motion for reconsideration of its June 22, 2001, order dismissing this action without prejudice and to grant the same for the following reasons:

1. That the said Plaintiff, Douglas H. Thornton, did file and exhaust all available administrative remedies prior to initiating this Cause of action Title 42, U.S.C. Section 1331. Title 28 U.S.C. Section 1331.
2. That copies of the remedies was mailed along with the complaint, or their administrative remedies receipts, any remedies that this Court did not received. Was not answer to by BOP officials lost or remove from my mail or property.

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All appropriate administrative remedy was filed and exhausted by Plaintiff. In accordance with title 28, C.F.R. part 43, Section 542, 13, title 42 U.S.C. Plaintiff did not received answer to some remedies he filed. rehearing rewriting 772556 and 773788.

3. On July 18, 2000 Plaintiff was transfere from USP Lewisburg to USP Allenwood. When Plaintiff received his legal property months later some of his legal property was missing. remedies and their receipts. Plaintiff made this fact know to the R&D officer.

4. The Federal bureau of Prison administrative remedies do not allow Federal inmates to receive monetary damages through its exhaustion process. of ~~what~~ with the plaintiff seeks in this action. Plaintiff also was having problem geting remedies from staff at time

5. Plaintiff did Complaint to Correctional Staff at USP Lewisburg about assaults on his person by unknow officers. See attached letter from regional Director to U.S. Representative Benjamin L. Cardin dated September 11, 2000. This letter will show that plaintiff did file on this matter.

Plaintiff request that this Court allow this action to continue. that by doing so would Service Justice

Respectfully Submitted

John W. Chomtus
USP Allenwood. 37461-118 1A
P.O. Box 3000

June 26, 2001

06/19/01 13:47 T 202 514 6878
08/11/00 10:38 FAX 2155974518

BOP EXEC SEC

002



U.S. Department of Justice
Federal Bureau of Prisons
Northeast Regional Office

*U.S. Customs House - 7th Floor
2nd and Chestnut Streets
Philadelphia, PA 19106*

September 11, 2000

The Honorable Benjamin L. Cardin
Member, U. S. House of Representatives
540 East Belvedere Avenue, Suite 201
Baltimore, Maryland 21212-3750

RE: THORNTON, Douglas Henry
Register Number: 37461-118

Dear Congressman Cardin:

Your letter to Kathleen Hawk Sawyer, Director, Federal Bureau of Prisons, has been forwarded to me for reply. You are writing on behalf of your constituent, Mr. Douglas Thornton, an inmate currently incarcerated at the United States Penitentiary, Allenwood, White Deer, Pennsylvania. Mr. Thornton is seeking your assistance regarding problems he claims he is experiencing within the Bureau. Specifically, he alleges staff have assaulted him, are purportedly not attending to his medical needs, and have denied his request for a cell change.

A review of this case indicates Mr. Thornton arrived at the United States Penitentiary, Lewisburg, Pennsylvania on November 3, 1998, to begin service of a 2,488-day sentence for a Parole Violation. Mr. Thornton violated his Parole by being arrested for [REDACTED] and Assault. On March 3, 2000, he was involved in a fight at the Lewisburg facility. The details of the altercation indicate Mr. Thornton was fighting with two other inmates. Responding staff attempted to intervene and stop the assault. Mr. Thornton resisted staff's attempts to restrain him, and he became physically combative toward staff. During the altercation, the staff member's finger was broken. The other two inmates involved in the assault complied with staff's orders to cease fighting. As a result of this incident, Mr. Thornton was found guilty of Disruptive Conduct, sanctioned to sixty days in Disciplinary Segregation, and recommended for a Disciplinary Transfer. On May 31, 2000, Mr. Thornton provided an affidavit to the Special Investigative Agent at the Lewisburg facility. He alleged he had been physically abused by staff during his placement in the Special Housing Unit immediately following the fight. Accordingly, this allegation was referred to the Office of Internal Affairs who gave authorization to begin a local investigation. Mr. Thornton was transferred to the United States Penitentiary, Allenwood, on July 19, 2000. On August 14, 2000, the investigation concluded there was no evidence to substantiate any merit to Mr. Thornton's allegations.